



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,216	06/14/2000	Randall Wayne Frei	COM21-P002	7839

7590 11/02/2004

Gaines P. Carter, Esq.  
Arris International Inc.  
11450 Technology Circle  
Duluth, GA 30097-1504

EXAMINER

TRAN, PHUC H

ART UNIT PAPER NUMBER

2666

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/594,216

**Applicant(s)**

FREI, RANDALL WAYNE

**Examiner**

PHUC H TRAN

**Art Unit**

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bommareddy et al. (U.S. Patent No. 6779039 B1).

- With respect to claims 1, 12-13, & 21-22, Bommareddy teaches a system and method for routing message traffic using a cluster of routers sharing a single logical IP address distinct from unique IP address of the routers, which is interpreted as enabling layer-3 communication within a sub-network for those members of the sub-network without layer-2 communication, the system comprising:

a sending device, a receiving device (clients in Fig. 1), a forwarding agent (routers in Fig. 1), a first network device (Fig. 1) comprising a media access control address of a forwarding agent, the first network device interprets an address resolution protocol request from the sending device (col. 3, lines 51-58), and sends an address resolution protocol reply comprising the media access control address of the forwarding agent to the sending device (col. 6, lines 46-57).

- With respect to claims 2-3, 16, & 25, Bommareddy discloses wherein the first network device comprises a proxy-proxy address resolution protocol function adapted to interpret the address resolution protocol request (col. 8, lines 48-52).

- With respect to claim 4, Bommareddy teaches wherein the receiving device comprises a network device comprising an Internet protocol address and a media access control address (e.g. Fig. 4 teaches the IP address and MAC address).

- With respect to claims 5, 15, & 24, Bommareddy discloses wherein the receiving device comprises a computer (e.g. clients).

- With respect to claims 6, 8, 14, 18, 23 & 27, Bommareddy teaches wherein the first network device comprises a network device adapted to communicate through a plurality of network communication layers including layer-3 (e.g. block 420 in Fig. 4).

- With respect to claims 7, 17, & 26, Bommareddy discloses wherein the first network device comprises a switch (col. 6, lines 15-16).

- With respect to claims 9, 19, & 28, Bommareddy discloses wherein the forwarding agent comprises a router (routers in Fig. 1).

- With respect to claims 10, 20, & 29, Bommareddy discloses wherein the forwarding agent comprises a firewall (col. 8, lines 12-16).

- With respect to claim 11, Bommareddy discloses wherein the first network device comprises a processor for processing the data-packets, a memory for storing program data-structures associated with the processor, a plurality of storage structures interactive with the processor (col. 5, line 40), and a proxy-proxy address resolution protocol function within the memory and interactive with the processor (col. 8, lines 48-52).

*Response to Arguments*

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
10/29/04

DANG TON  
PRIMARY EXAMINER